

MAR 12 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAFAEL MENDOZA,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 06-71852

Agency No. A93-470-924

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 26, 2008^{**}

Before: BEEZER, FERNANDEZ, and McKEOWN, Circuit Judges.

Rafael Mendoza, a citizen of Mexico and permanent resident of the United States, petitions pro se for review of a Board of Immigration Appeals' order upholding an immigration judge's ("IJ") order of removal finding him inadmissible

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

for alien smuggling under section 212(a)(6)(E)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(6)(E)(i). We have jurisdiction under 8 U.S.C. § 1252. We review de novo questions of law, *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005), and review for substantial evidence the agency's findings of fact, *Moran v. Ashcroft*, 395 F.3d 1089, 1091 (9th Cir. 2005). We deny the petition for review.

Substantial evidence supports the IJ's determination that Mendoza was inadmissible for alien smuggling as defined in 8 U.S.C. § 1182(a)(6)(E)(i), where his sworn statement and testimony demonstrate that he knowingly assisted his brother-in-law attempt to enter the United States in violation of law. *See Altamirano*, 427 F.3d at 594.

Contrary to Mendoza's contention, evidence obtained without *Miranda* warnings is not excludable from deportation hearings on that basis. *See Trias-Hernandez v. INS*, 528 F.2d 366, 368-69 (9th Cir. 1975) (rejecting the argument that an I-213 taken without *Miranda* warnings is inadmissible); *see also United States v. Solano-Godines*, 120 F.3d 957, 960-61 (9th Cir. 1997) (explaining when *Miranda* warnings are required in civil deportation proceedings).

PETITION FOR REVIEW DENIED.